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## COLOMBIA-VENEZUELA OFFSHORE BOUNDARY PROBLEM

At the request of the Bureau of Inter-American Affairs, the Colombia-Venezuela offshore boundary dispute has been examined in relation to the bases of claims and possible solutions of the dispute.

ABSTRACT

Offshore boundary problems have recently placed a severe strain on relations between Colombia and Venezuela. A heretofore unsuccessful bilateral commission will resume boundary talks in Rome on March 15. Much of the difficulty encountered in the maritime boundary problem stems from the complicated physical geography of the sea frontier. The land boundary between the two countries terminates on the western shore of the Gulf of Venezuela, a rectangular water body measuring 53 nautical miles across its mouth and penetrating approximately 60 nautical miles into the continent. The Gulf has an area of 4,750 square nautical miles. Colombia is restricted to approximately 9% of the Gulf's shore while Venezuela possesses the remainder.

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Numerous political and economic complications mitigate against a rational and peaceful solution of the boundary issue at this time. Prime among these is the Venezuelan attitude that all past boundary solutions have been to its disadvantage; an immediate settlement, therefore, is not considered desirable.

The positions of the two states towards the territorial sea are illustrated on Map No.1. Maps 2, 3 and 4 represent, to our best knowledge, the Colombian and Venezuelan attitudes toward the allocation of the continental shelf and the areas in potential dispute. Colombian claims in the Gulf of Venezuela are based upon the "normal" provisions of the Geneva Conventions on the Territorial Sea and Contiguous Zone and on the Continental Shelf. Beyond the Gulf, however, Colombia would treat the Venezuelan Los Monges islands as "special circumstances" to be discounted or reduced in importance. Venezuela, in contrast, claims "special circumstances" within the Gulf with vague references to "historic waters". The Venezuelans would accord full value to the Los Monges group in the creation of a maritime boundary.

While the political climate does not appear to be favorable for mediation, possible solutions to the dispute are offered on Map No. 5.

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On May 23, 1970, President Nixon announced a new United States oceans policy. One of the principal goals of the United States law of the sea initiatives is to establish an international order which would counteract the increasing tendency of coastal states to make unilateral maritime claims.

With respect to the Gulf of Venezuela problem, the United States would undoubtedly protest any closing of those waters based on an historic bay theory. Such an act would be considered an unwarranted extension of jurisdiction contrary to the Geneva Convention on the Territorial Sea and Contiguous Zone and customary international law. Similar protests were recently made against Canada's fisheries closing lines.

On the other hand, it is unlikely that the United States would perceive any threat to its national interests if the Venezuelans or Colombians were to claim sovereign rights to the natural resources of the continental shelf in the Gulf if such claims were made in accordance with international law. Since the Gulf of Venezuela area does not exceed a depth of 200 meters, it is probable that a solution agreed to by the concerned parties would be in accordance with international law.

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Offshore boundary problems have recently placed a severe strain on relations between Colombia and Venezuela. Both the delimitation of the territorial seas and the continental shelf boundaries of the two countries are involved, although, at present, the problems of the continental shelf appear to be predominant. The two boundaries are, to a degree, interrelated and difficult to disassociate due to similarities of language and treatment in the Geneva Conventions on the Territorial Sea and Contiguous Zone and the Continental Shelf.

A Colombia-Venezuela Commission on Maritime Limits has been established to negotiate the territorial sea and continental shelf problems in the Gulf of Venezuela. Rome was the site of inconclusive talks in November 1970; discussions will be resumed there on March 15, 1971.

Much of the difficulty which Colombia and Venezuela are encountering in negotiating acceptable maritime boundaries stems from the peculiar physical geography of the sea frontier. The land boundary between the two countries terminates on the western shore of the Gulf of Venezuela. The Gulf is formed by two extensive peninsulas each of which juts nearly 100 nautical miles into the Caribbean Sea. Guajira, which forms the western peninsula, is primarily within Colombia but Venezuela possesses a narrow foothold, averaging about 5 miles in width, along the southeastern shore of the peninsula. The Los Monges islands are situated approximately 20 nautical miles northeast of the tip of the peninsula, beyond the limits of the Gulf of Venezuela. They are a small group of islets (maximum length approximately 1 nautical mile) belonging to Venezuela. Poor Spanish cartography, it is reported, assigned the islands to the wrong captaincy-general in the colonial period and this error has led to their current anachronistic relation to Caracas rather than to Bogota. Colombia does not dispute Venezuelan sovereignty over the islands but does not accept their significance for the purpose of territorial sea or continental shelf entitlement.

On the eastern shore, the Gulf of Venezuela is bounded by the Venezuelan peninsula of Paraguana. North of its tip, approximately 14 nautical miles seaward, lies the Netherlands-owned island of Aruba, the western-most of the Netherlands Antilles.

The Gulf of Venezuela proper is a rectangular body which measures about 53 nautical miles in width between its natural entrance points of Punta Espada (Colombia) and Punta Macolla (Venezuela). Interior

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of these points, the Gulf widens abruptly to an east-west dimension of nearly 100 nautical miles. In the east, a distinct sub-bay--the Golfete de Coro--nearly isolates the Peninsula de Paraguana from the mainland of Venezuela. Due to the depth of Coro's penetration, it is excluded from the previously stated width of the Gulf. To the south, Lake Maracaibo extends deeply into the heart of Venezuela. Like Coro bay, Maracaibo is considered to be a separate geographic feature and is not included in the dimensions given for the Gulf.

Thus, the maximum penetration of the Gulf into the continent is approximately 60 nautical miles. The water surface, excluding Maracaibo, Amuay and Coro bays, measures about 4,750 square nautical miles (6,295 square miles or 16,300 square kilometers) south of a line connecting the natural entrance points mentioned above.

While Colombia and Venezuela both front on the Gulf, Colombia is restricted to a narrow segment in the northwest. The Colombian shoreline, measured from Punta Espada southward to the Colombia - Venezuela land boundary terminus, totals nearly 24 nautical miles. In contrast, the Venezuelan shore measures approximately 245 nautical miles. Thus, about 91% of the total shoreline of the Gulf is under Venezuelan sovereignty and 9% under Colombian. (For the purposes of this review, bay-closing lines were drawn across the mouths of Maracaibo, Coro and Amuay bays; the lengths of these closing lines being included in the Venezuelan coastline measurement.)

As the entire area of the Gulf is less than 200 meters deep, it qualifies as continental shelf under the definition given in the Geneva Convention on the Continental Shelf. The Gulf would not qualify as an overlake bay under the terms of the Convention on the Territorial Sea and Contiguous Zone since the Gulf is not enclosed within the shores of a single state.

### The Territorial Sea Question

Map No. 1 illustrates the conflicting positions of Colombia and Venezuela concerning the delimitation of their respective territorial sea claims and highlights the maritime areas which are in actual or potential dispute. Both states currently claim 12-nautical mile territorial sea breadths, although Venezuela claims an additional three-mile contiguous zone.

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Colombia, a signatory but not a party to the Convention on the Territorial Sea and Contiguous Zone, appears to follow normal international practice, for the most part, in the delimitation of its territorial sea claim. The breadth of its territorial sea is measured from the standard baseline by circle of arcs with the radii of the arcs equal to the claimed breadth of the territorial sea. In the Gulf of Venezuela, the Colombian position reflects the notion that Venezuela should use the identical method of delimitation. According to Colombia the sea boundary between the states in the Gulf of Venezuela is the lateral line, every point of which is equidistant from the respective standard baselines from which the breadths of the territorial seas of the two states are measured. Peculiarly, and this may account for Colombia's non-accession to the Convention on the Territorial Sea and Contiguous Zone, the Government of Colombia refuses to recognize that the Los Monges islands are entitled to a significant territorial sea, although Colombia does recognize Venezuelan sovereignty over the islands. Since the nearest of the islands is situated more than 12 nautical miles from the Colombian baseline, no problem would exist of the Colombian territorial sea overlapping the sovereign Venezuelan territory of Los Monges. As a result, there appears to be little justification for the denial of some territorial sea claim, per se, for the island group.

By the terms of the Convention on the Territorial Sea and Contiguous Zone, every island is entitled to a territorial sea. The concept is further supported by international practice. However, islands may be considered as "special circumstances", within the terms of the Convention, in the context of constructing a territorial waters boundary between adjacent or opposite states. Thus in view of the small size and number of the Los Monges islands and their reported lack of inhabitants, Colombia could argue that they represent "special circumstances" which must be taken into consideration in the development of a territorial waters boundary. While the islands might not be denied a territorial sea, the breadth could be open, in certain areas, to negotiation. Since Colombia has not become a party to the Convention on the Territorial Sea and Contiguous Zone, the status of Article 10, i.e. Islands Territorial Sea, in customary international law might well arise.

Venezuela's position on its territorial sea delimitation (See Map No. 1) is more complex and more difficult to rationalize. Apparently, Venezuela has based its case in the Gulf of Venezuela on a claim to historic waters. The terms of the Geneva Convention on historic

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bays or waters are very indefinite.<sup>1</sup> However, the bases for historicity involve the exclusive and prolonged jurisdiction of a coastal state over a body of water; the enunciation or notoriety of a claim to historicity; and the general acceptance of that claim by other maritime states. (Since the major problem involves the continental shelf boundary, the status of the historic claim is developed in a later section. However, it is not at all obvious that Venezuela has ever publicly advanced such a claim.)

In effect, it appears that Venezuela has taken the position that the Gulf of Venezuela from the terminus of the land frontier to Punta Macolla is historic waters. Apparently to preserve its options, the Government of Venezuela has not specified precisely how this closing line was to be drawn. It has been stated that under no circumstances will Venezuela settle for a shelf boundary south of the line drawn along the parallel of the boundary terminus. Any delimitation north of the parallel might be negotiable. Three methods can be suggested: a) line joining the land boundary terminus with Punta Macolla; b) a line drawn on the parallel of the boundary terminus for 12 nautical miles into the Gulf and then, in a second segment, joining with Punta Macolla; and c) the continuation of the land boundary.

Conversations between Embassy officers and Venezuelan officials indicate that method c) has been advanced at least as a beginning proposition. The use of the continuation method, however, is fraught with certain problems depending on definition. The Colombia - Venezuela boundary west of the Gulf is a complicated border. For a considerable distance, the boundary is a series of straight lines connecting demarcation points. The lines are generally on the same azimuth. In the extreme north, however; the boundary arrives at a small bay, the Laguna de Cocinetas, and then follows the old shoreline of the bay leaving the entire water surface within Venezuela. Leaving the bay on its eastern shore, the boundary for about 1 kilometer follows an azimuth which is approximately 14° south of east. A continuation of this azimuth would result in an allocation of the territorial sea and continental shelf

1. Venezuela became a party to the Convention with specific reservations: "In signing the present Convention, the Republic of Venezuela declares with reference to Article 12 [equidistant line] that there are special circumstances to be taken into consideration in the following areas: the Gulf of Paria and zones adjacent thereto; the area between the coast of Venezuela and the island of Aruba; and the Gulf of Venezuela. Reservation made upon ratification:...with express reservation in respect of article 12 and paragraphs 2 [limit of contiguous zone] and 3 [equidistant line in contiguous zone] of article 24 [contiguous zone] of said Convention.

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roughly according to the Colombian claim, if not allocating a greater amount to Colombia. Two possible explanations of the Venezuelan position may be advanced: 1) the planners are using small-scale maps which often generalize the final boundary area as a northeast (and not southeast) trending line; or 2) Venezuela is referring to the straight line segment of the boundary southwest of the bay. However, reliance on the concept without specific language could produce a southeasterly line as opposed to an east or northeasterly trending line in the delimitation of the territorial sea boundary. It should also be noted that a continuation of the line following alternative 2) would not intersect the boundary terminus of the final segment of the land boundary. [This point, Castilletes, is situated at 11° 51' 07"41 North and 71° 19' 19"80 West. The azimuth to Pillar II is 283° 52' 20" north by east or approximately 14° south of east in the reverse azimuth (103° 52' 20" north by east).]

For the purpose of this study, we have drawn the map illustrating Venezuelan territorial sea claims as extending from the terminal point of the land boundary to Punta Macolla. The amount of territorial sea involved in the change in alignment would not be great assuming that Venezuela does not intend to extend the line to the southeast.

The claimed territorial sea of Venezuela extends seaward from the "closing line", whatever its position, and seaward in arcs of circles from the shoreline beyond the closing line and from Los Monges islands. The territorial sea measured from the closing line would not interfere with a Colombian territorial sea drawn north of the closing line. All waters contained within the closing line would, of course, be internal waters of Venezuela. The closing of the Gulf can not be justified as a normal bay closing line or as a straight baseline within the terms of the Geneva Convention on the Territorial Sea and Contiguous Zone. Claim must, as a result, stem from historicity.

Venezuela appears to accept the use of an equidistant line between Los Monges and the Colombian shore where the distance is less than 24 nautical miles. In its reservation concerning the territorial sea convention, Venezuela did not agree to apply the same principle to Aruba which has approximately the identical relationship off the tip of the Paraguaná peninsula.

Moot questions are involved in the Venezuelan claim to historicity and its reservations to the Convention as well as in Colombian reactions to these particular actions. Colombian non-adherence to the Convention on the Territorial Sea and Contiguous Zone would appear to negate the Venezuelan reservations and perhaps further complicate a bilateral settlement of the issues.

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Colombia: Claimed Continental Shelf

The Colombian continental shelf claim, (see Map No. 2) based upon the equidistance principle, assigns no value to base points other than on the mainland shores. From the terminus of the land boundary at Castilletes, the claimed boundary would extend southeastward dividing the territorial seas of the two states. The line would continue as a continental shelf boundary in a general southeasterly direction for nearly 15 nautical miles until it reached a point equally distant from the baselines on the western shore of the Gulf and that of the southern shore. From this point, the continental shelf boundary would change from a line between "adjacent" states to one between "opposite" states. The equidistant shelf boundary would extend generally northeastward for nearly 11.5 nautical miles before turning nearly due northward to continue to the edge of the continental shelf. The line as described passes within 11 nautical miles of Monges del Este, the easternmost of the Los Monges group. As with the territorial waters question, the Colombian proposal does not assign any, or any significant, shelf to the Los Monges group.

Even though the Los Monges islands are small in size and number they are entitled, according to the Convention on the Continental Shelf, to a continental shelf. Moreover, Colombia has become a party to the Convention and made no specific reservations concerning these points. The Colombian Government would, as a result, appear to be bound by the provisions although the breadth of the territorial sea and the continental shelf could be open to negotiation. The shelf convention language would permit Colombia to treat the islands as "special circumstances", which would, nullify or reduce their effect in the construction of an equidistant boundary.

Gulf of Venezuela: Venezuelan Historic Waters

The fervor of the Colombian-Venezuelan dispute over the division of the continental shelf in the Gulf of Venezuela has caused the GOV to once again advance historic claims to the Gulf (see Map 3 and 4). Venezuela currently argues historicity on the premises that: (1) the Gulf is a thoroughfare for shipping in and out of Lake Maracaibo, and (2) the Gulf has long been the fishing grounds of Venezuelan fisherman. Documentation of the Venezuelan historic claim to the Gulf is lacking; a search of available data has not revealed evidence to support the existence of a Venezuelan historic claim.

Venezuela did issue a special reservation concerning the Convention on the Continental Shelf. The reservation declared that there were

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special circumstances relative to the shelf in the Gulf of Venezuela among other places. The reservation applies to Article 6 on the use of equidistant boundaries as they related to the Gulf.

Other than undocumented claims of historicity relative to the Gulf, much earlier Venezuelan legislation or statements by government officials prior to the increased intensity of the dispute have not formalized the historic claim to the Gulf.

In 1954, the legal advisor of the Venezuelan Foreign Office is reported to have said (Caracas, Despatch 214 of 8-26-54):

...the complete extent of Venezuela's interest in the waters of the Gulf of Venezuela has never been fully defined and declared.... Although, in the absence of legislation under the continental shelf provision of the 1953 Constitution and in the absence of an agreement with Colombia, Venezuelan legislation only stipulates the three and twelve mile zones of jurisdiction, ... (and) that Venezuela's position as to the status of the waters of the Gulf of Venezuela should be recognized as at present indefinite; he indicated that any attempt by foreign-flag vessels to undertake large-scale commercial fishing operations in the Gulf would be accorded the most serious scrutiny of the Venezuelan Government, and probably would be opposed by both Venezuela and Colombia.

These remarks of the legal advisor do not set forth any historic claims. On the contrary, the last part of his statement could imply that Colombia had claims in the Gulf.

The "Law on Territorial Seas, the Continental Shelf and the Protection of Fisheries and Air Space," promulgated by the President of Venezuela on July 27, 1956, and published in Extraordinary Number 496 of the Official Gazette on August 17, 1956, does not set forth historic claims to the Gulf of Venezuela.

Article 8 of the 1956 Law does purport to vest the Government with authority to control fishing, both domestic and foreign, in undetermined zones seaward of the territorial sea of Venezuela. This indefinite pronouncement could conceivably be viewed by Venezuela as granting the right to assert authority but not sovereignty in the Gulf.

In 1967, the Venezuelans acted as if the Gulf were a Venezuelan sea when seismographic exploration zones were established and exploratory permits were issued to the Venezuelan Government company, Corporacion Venezolana de Petroleo (CVP), Texaco, Mobil and Mobil Joint. The only

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part of the Gulf not zoned was a narrow band extending northward along the La Guajira peninsula from the point where the Colombia-Venezuela land boundary meets the Gulf to the area between Los Monges and Colombia. Results of the seismographic studies were to be exchanged between the CVP and its Colombia counterpart ECOPETROL. The CVP President stated, however, that the agreement had no relationship to the discussions concerning the boundary between the two countries, and that the agreement between the two companies would not affect whatever settlement would be negotiated at a government level.

Pilotage, although compulsory into Lake Maracaibo, does not lend itself to the support of a historic claim to the Gulf. The pilots are either picked up at the entrance to the channel leading into Lake Maracaibo or the pickup is sometimes made at or in the vicinity of Punta Cardon. In any case, the pilot only operates in the Lake Maracaibo Channel.

Thus from the evidence at hand there seems to be no formal documentation supporting the historicity claim of Venezuela relative to the Gulf of Venezuela.

#### Complicating factors

Numerous political and economic complications mitigate against a rational and peaceful solution of the boundary problem. These factors may, in actuality, be more important than the maritime boundary problem itself since boundary disputes often are superficial symptoms of deeper ills. Venezuela, for example, currently has a nationalistic political climate, which is compounded by the widespread feeling that Venezuela has been unjustly treated in previous territorial negotiations or boundary arbitrations. Since most arrangements of this nature involve compromises, the Venezuelans may well believe that they have lost "claimed" territory. The recent agreements with Guyana, which have placed claims to the Essequibo territory in a 12-year limbo, have been greeted by the press as a sell-out. Consequently, the Government of Venezuela is not anxious to rush into another boundary "settlement" which may rebound to its political disadvantage. In fact, any agreement may be considered by the press or by the opposition party as another abdication of sovereign rights even if the Venezuelan position is adopted in toto.

Trans-border smuggling, irresponsible press campaigns, political jingoism, military justifications for modernization of antiquated equipment and the reported poor treatment of nationals, in particular those who have entered the country illegally, all serve to foster mutual distrust and fear. As a consequence, the political climate necessary for the quiet diplomacy vital to the settlement of any territorial problem seems to be completely lacking at present. The intrusion of a single country or an organization as a boundary mediator would probably create

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suspicion towards the motives of the self-appointed peacemaker. The U.S. would probably generate the most suspicion since American petroleum companies would be the most likely benefactors of a settlement.

The Boundary--Any Solutions?

Given the proper state of relations, the boundary question could be solved by submission to the International Court of Justice or by bilateral negotiations. The ICJ has recently adjudicated the North Sea case between Germany on one side and the Netherlands and Denmark on the other. The North Sea and Gulf of Venezuela situations are geographically similar. In both cases the states border on semi-enclosed seas. The coastal configurations of Germany and Venezuela are disadvantageous for the creation of an equitable equidistant line. The adjacency of the shelf is a prime factor in both cases. Unlike the North Sea cases, however, where Germany was not a party to the shelf convention, both Colombia and Venezuela are parties although the latter has filed reservations. Another significant and complicating difference between the cases involves the lack of delimitation of the territorial sea boundary in the Gulf of Venezuela. Moreover, in the Gulf of Venezuela the two maritime boundary questions of the territorial sea and shelf are tied together geographically and politically and the solution of one will directly affect the other.

In its North Sea Decision the ICJ found:

"(1) delimitation is to be effected by agreement in accordance with equitable principles, and taking account of all the relevant circumstances, in such a way as to leave as much as possible to each Party all those parts of the Continental Shelf that constitute a natural prolongation of its land territory into and under the sea, without encroachment on the natural prolongation of the land territory of the other;

"(2) if, in the application of the preceding sub-paragraph, the delimitation leaves to the parties areas that overlap, these are to be divided between them in agreed proportions or failing agreement, equally, unless they decide on a regime of joint jurisdiction, users, or exploitation for the zones of overlap or any part of them."

The Court specified that these "factors" to be taken into account should include:

"(1) the general configuration of the coasts of the Parties, as well as the presence of any special or unusual features;

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"(2) so far as known or readily ascertainable, the physical and geological structure, and natural resources, of the Continental Shelf areas involved;

"(3) the element of a reasonable degree of proportionality, which a delimitation carried out in accordance with equitable principles ought to bring about between the extent of the Continental Shelf areas appertaining to the coastal State and the length of its coastline, account being taken for this purpose of the effects, actual or prospective, of any other Continental Shelf delimitations between adjacent States in the same region."

This decision, while not universally binding, will certainly be a guide in future litigations of a similar nature. Since much depends on the evidence advanced and the nature of the special circumstances, no two cases will be treated exactly the same. Venezuela, with a coastline similar to Germany, could advance a plausible argument by which it would gain nearly as much of the Gulf of Venezuela shelf as it now apparently claims somewhat tenuously on historicity.

According to the three factors enumerated by the Court, Venezuela has a geographical position in the Gulf comparable to that of Germany in the North Sea. The "general configuration" of the Venezuelan coast is concave which is disadvantageous in the development of an equidistant line. The submarine geology of the region, to the extent known, appears to trend northeastward parallel to the strike of the La Guajira Peninsula. Hence, the floor of the Gulf would arguably be a continuation or natural prolongation of the physical base of Venezuela. (The same argument, however, could be used by Colombia to deny full continental shelf entitlement for the Los Monges islands, thereby gaining one of its major points.) Finally, regarding proportionality, Venezuela fronts on more than 90% of the shores of the Gulf, as defined in this paper. (A change in definition could decrease the Venezuelan proportion slightly but not significantly.) Submission of the case to the Court could result in a decision granting to Venezuela essentially what it claims. In essence, the same result could be achieved by a different, more legally acceptable, means.

Should bilateral negotiations continue and Colombia remains firm on the need for an equidistant line, Venezuela could propose a solution as outlined on Map No. 5. The coastline of the Gulf is concave and therefore disadvantageous to Venezuela. To de-emphasize this aspect and to increase the "equity" of a resulting settlement, Venezuela could claim a system of "baselines", i.e. closures, to separate the waters of the Gulf which are "enveloped" by Venezuela from those which are less "landlocked" and thus more subject to a bi-national division. Examples

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of the types of lines which might be drawn are illustrated on Map No. 5. At least two possible systems of closures can be imagined and illustrated:

(1) A baseline from Castilletes to Punta Capana on the south shore of the Gulf. The latter point is chosen for it is the first point on the south shore which would have influence on a normal equidistant line and, in addition, the closure marks the logical termination of the Ensenada de Calabozo, the western lobe of the Gulf. A similar line drawn for the Colombian coast to "regularize" it would extend from the boundary terminus to the northeast. A bisector of the resulting angle between the two "closures", representing the new "baselines" for the division of the seabed of the Gulf, would in effect be an equidistant line and apportion a major share of the shelf of the Gulf to Venezuela. The same limit could be used, for a distance of 12 nautical miles from the normal baselines, as the limit of the respective territorial seas. The problem then develops as how and where to terminate this vector. Possible solutions are: a) the use of the true equidistant line which is illustrated, or b) the bisector of another angle created in a manner similar to the one previously described. Several possibilities exist but the true equidistant line has the advantage of past precedent.

(2) A second possible solution would allocate more of the shelf to Venezuela but is more difficult to justify. It would involve drawing the closure from Castilletes to Punta Penas and a second line from that cape to Punta Salina on the east shore. The continental shelf limit would then be formed by the two angle bisectors or by a combination of the two bisectors and a segment of the true equidistant line.

The first proposal allocates approximately 90 per cent of the continental shelf of the Gulf to Venezuela and 10 per cent to Colombia. This allocation reflects the proportionality of their coast lines on the Gulf as defined. The second proposal would reduce the Colombian share by approximately one-third. (It should be noted that this type of action has no direct precedence in international practice. Malaysia, however, did draw very extensive straight baselines solely for the purpose of negotiating a continental shelf boundary with Indonesia; the latter had already promulgated straight baselines which could have been disadvantageous to Malaysia. The Malaysian baselines, however, insured a more equitable division of the shelf. To apply the Indonesia-Malaysia experience to an over-large bay or gulf might be considered an extension of the concept. The process may be argued logically as a combination of the positions of the two states. The suitable environment, conducive to negotiations, remains an absolute prerequisite.)

Beyond the limits of the Gulf, the "special circumstances" of the Los Monges group further complicates the allocation of territorial

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sea and seabed. "Special circumstances", logic and international practice all point, within the framework of the negotiating process, to the elimination or reduction of the Los Monges as basepoints for the creation of an equidistant boundary. Thus, if one is constructed using the mainland only (see Map No. 1), the shelf boundary would continue nearly due north from the previously described compromise boundary within the Gulf. However, equally demanding in principle and practice is that the Los Monges group be allocated a sovereign territorial sea. A 12-nautical mile territorial sea, except where distances between the national baselines are less than 24 nautical miles, would give to Venezuela substantially all that is claimed beyond the Gulf area. Colombia, however, would gain some territory west of the equidistant line and east of the territorial sea of Los Monges as well as a comparable area directly to the west of Los Monges.

In a prolongation beyond the 200 meter line of the shelf, i.e. should the exploitability criterion supersede the depth limit or should an intermediate or trusteeship zone be created, Colombia would gain a considerable extension on the seabed since Venezuela would continue to be restricted by the 12 miles (or other negotiated limit) of the territorial sea.

The petroleum potential of the Gulf shelf [redacted] 25X1  
[redacted] has been stated by Venezuela to be 120 billion 25X1  
barrels. Oil companies are alleged to have told the Colombians that the Gulf reserves would last 200 years, the latter being a very nebulous figure. In view of the Lake Maracaibo deposits and the general geological continuum of the Gulf area, it can be reasonably assumed that the petroleum potential is there. The geological structures might indicate that the richest potential petroleum fields are to be found north of a parallel drawn from Castilletes. Venezuela has performed seismic explorations in certain areas of the Gulf but has not, to our knowledge, granted concessions. Colombian concession areas have been suspended pending the solution of the offshore boundary problem. Active interest, however, continues to be shown by a number of firms, primarily U.S. The possibility of joint exploitation exists in the absence of granted concessions (and implied special interests). Such a solution, however, would still face the allocation of royalties on an equitable basis which might prove to be as difficult to resolve as a direct allocation of the shelf.

#### Summary and Conclusions

The best interests of the United States would be served by the maintenance of peace between the two nations and by the reasonable settlement of the dispute without U.S. involvement when conditions

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permit. However, the current political climate mitigates against any rational approach to the issue in the near future.

Should the climate for negotiations improve, several opportunities for solution are available. The primary possibility, and probably best for all concerned, would be to submit the dispute to the International Court of Justice which has recently acted on the similar North Sea Case. A second possibility, however, would involve direct negotiations between the two states, with or without an intermediary such as the Organization of American States or a third friendly power--Spain and Switzerland have already acted in this capacity for the land boundary--on the bases of the North Sea Cases Decision. Possible solutions have been analyzed and illustrated in this paper based on an interpretation of the ICJ decision and certain related international practices. These suggestions could contribute to a settlement of the dispute under proper conditions.

On May 23, 1970, President Nixon announced a new United States oceans policy. One of the principal goals of the United States law of the sea initiatives is to establish an international order which would counteract the increasing tendency of coastal states to make unilateral maritime claims.

With respect to the Gulf of Venezuela problem, the United States would undoubtedly protest any closing of those waters based on an historic bay theory. Such an act would be considered an unwarranted extension of jurisdiction contrary to the Geneva Convention on the Territorial Sea and Contiguous Zone and customary international law. Similar protests were recently made against Canada's fisheries closing lines.

On the other hand, it is unlikely that the United States would perceive any threat to its national interests if the Venezuelans or Colombians were to claim sovereign rights to the natural resources of the continental shelf in the Gulf if such claims were made in accordance with international law. Since the Gulf of Venezuela area does not exceed a depth of 200 meters, it is probable that a solution agreed to by the concerned parties would be in accordance with international law.

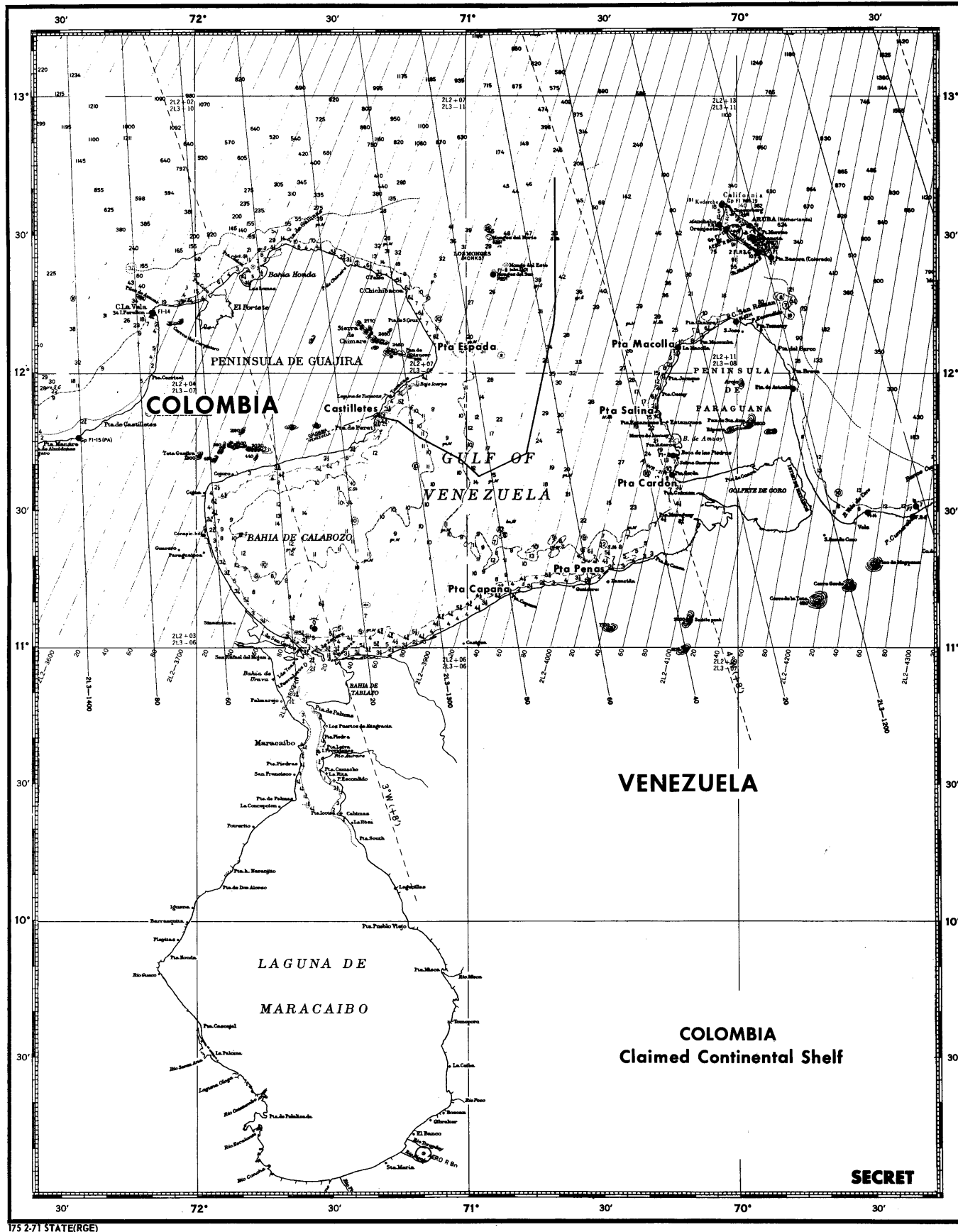
RGE-INR/Geographer

Director : RDHodgson  
Analysts : RDHodgson/TVMcIntyre  
Extension : 22021  
Released by: *fu*  
Date : March 9, 1971

SECRET/NO FOREIGN DISSEM  
CONTROLLED DISSEM

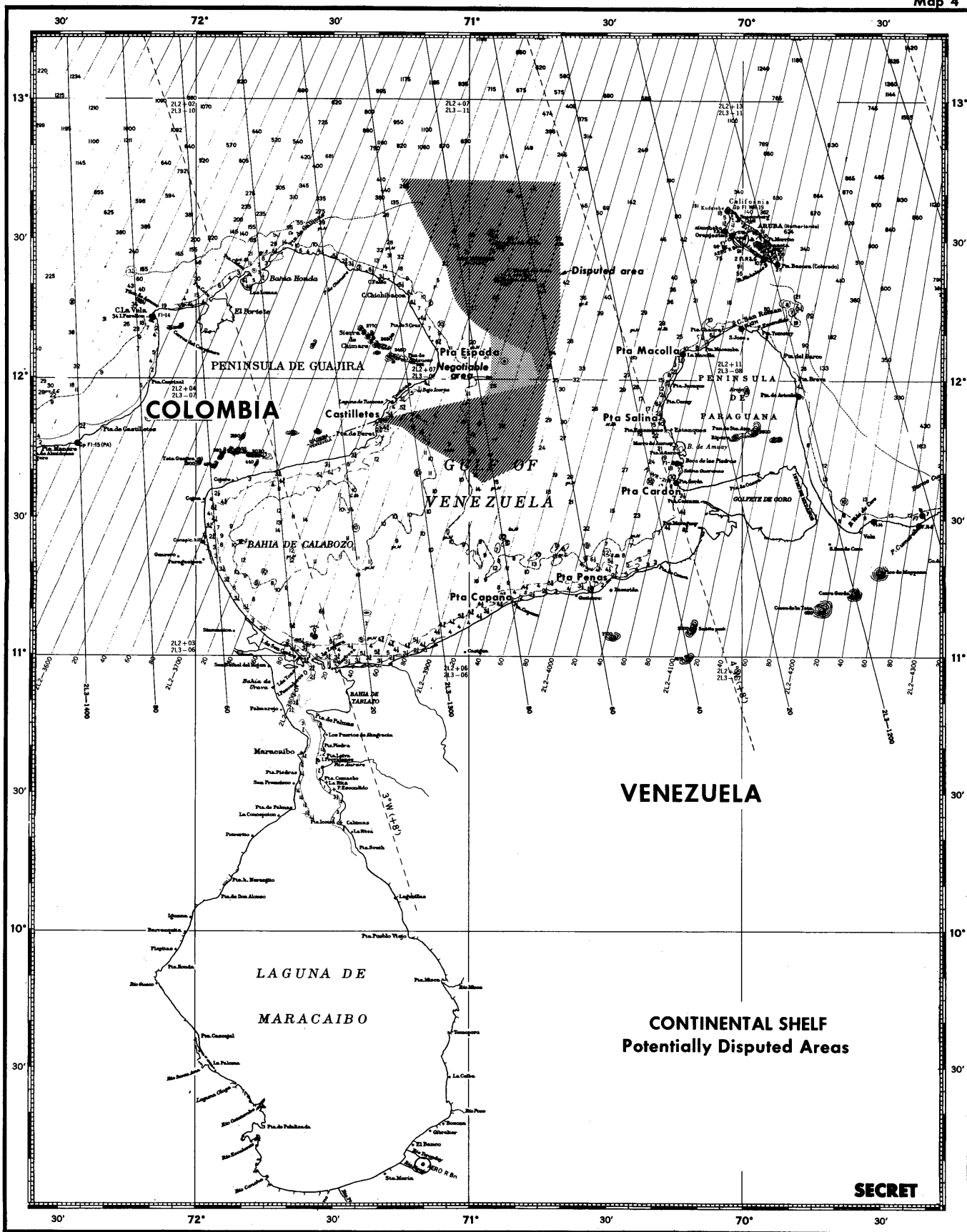


Map 2



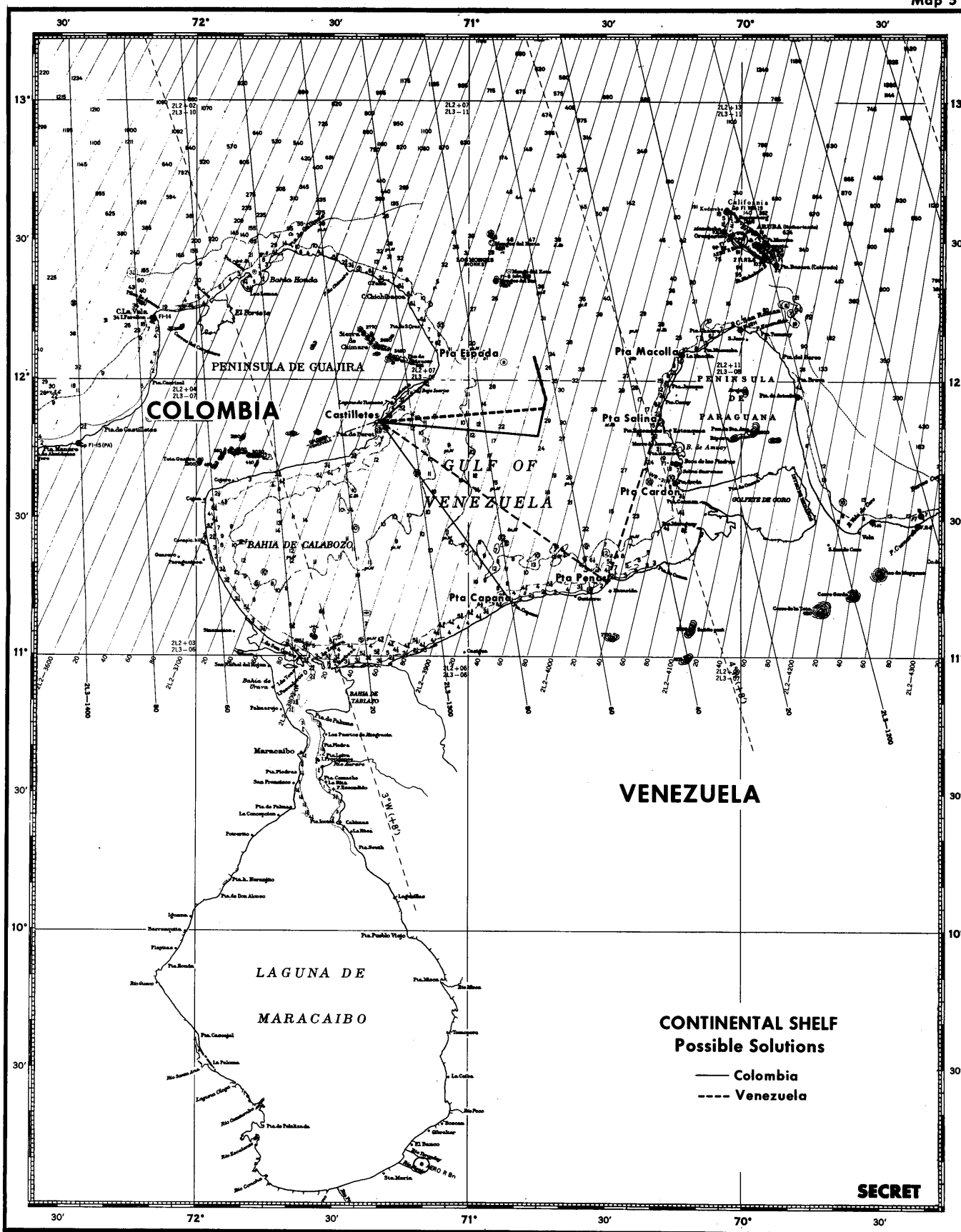


Map 4



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Map 5



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**GEOGRAPHY DIVISION**

**Colombia-Venezuela Boundary**

